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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,464	02/25/2004	Michael D. Jines	1088.155US02	9341
24113	7590	07/13/2005	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/786,464

Applicant(s)

JINES ET AL.

Examiner

Anabel M. Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10, 16, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 9, 11, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date: 25/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lamps arranged around the perimeter of the mirror must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 2 is objected to because of the following informalities: applicant claims the light sources being "arranged around the perimeter of the mirror and on three sides thereof". It is not understood what applicant is intending to explain by this statement since the perimeter of the mirror would have the lights disposed on four sides. There is no mention of an additional three sides of the mirror, as claimed, that the light sources would be arranged on. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3,4 are rejected under 35 U.S.C. 102(b) as being anticipated by Glucksman (5,392,162).

3. With regards to " a generally planar first mirror having a perimeter, the mirror further displaying an associated angle of incidence and an angle of reflection, the angle of incidence being equal to the angle of reflection and the angle of incidence and the angle of reflection both being defined with reference to a normal to the mirror surface", this description is the inherent properties of a standard mirror, Glucksman is considered to anticipate this limitation. Glucksman also discloses a raised barrier surrounding at least a portion of the perimeter of the mirror (54); a light source to illuminate a user

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before the mirror (80), the light source being positioned peripheral to the perimeter (fig 2), the light source being substantially fully exposed (fig 1) and positioned at least partially behind the plane of the mirror (fig 6) such that a ray tangent to the forward most portion of the light source traveling along the angle of incidence and not intercepted by the raised barrier and reflecting proximate the perimeter of the mirror and traveling along the angle of reflection does not impinge on a users eye(the convergence point of the emitted light is behind the users head, (figs 6a,10-11);

- A frame surrounding the mirror on three sides (16), the frame comprising a generally triangular cross section (fig 6) and having a first side acutely angled (see fig. 3 near ref. Num. 64A and 68) with relation to the plane of the mirror and behind the mirror, the first side supporting lamp holders to support the light source (68);
- The frame further comprises an electrical raceway to enclose electrical wiring (36,44,46 and 48);(inherently, electrical wiring must be included in the device for the power from the batteries, in this case to reach the light sources)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,5,7,10,16,17, 19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glucksman.

6. With regards to the lamps being arranged around the perimeter and on three sides thereof, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place additional lights on a third side of the frame of Glucksman since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore adding an additional row of lights would be purposeful for producing a greater amount of illumination to the user.

With regards to the a second generally planar mirror and a second light source arranged around the perimeter of the mirror and on two sides thereof such that the first mirror is adjacent the second mirror and the light source on one of the three sides of the first mirror are interposed between the first mirror and the second mirror such that both the first mirror and the second mirror have light sources positioned on three sides thereof, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an additional mirror and set of light sources to the first mirror set since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, an additional mirror/light set would be purposeful to provide a greater surface area to accommodate multiple users.

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- With regards to the mirror assembly further comprising a wall-mounting

Bracket, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Glucksman with a wall mounting bracket, since mounting an illuminated mirror device for the purpose of providing a hands free illuminated mirror is old and well known in the art. (See cited prior art Katz)

- With regards to a plurality of modular rectilinear mirror units arranged generally side by side adjacent one another and each mirror unit having a surround; the surround of a first of a said mirror units comprising lamps on three sides thereof; the surrounds of a second of said mirror units comprising lamps on two sides thereof, and the mirror units being arranged such that each modular mirror unit is illuminated on each of three sides thereof, Glucksman discloses the claimed invention except for the recitation of a plurality of mirrors, and comprising lamps of three sides thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a plurality of mirrors and lights on a third side of the mirror units as opposed to Glucksman's single mirror and light sources on two sides since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.
- Glucksman discloses the invention of claim 16 except for the recitation of lamps being located along a top edge and one of two sides. Glucksman discloses a rectilinear generally planar mirror (58) having a perimeter with a top edge and two sides (fig 1), lamp holders to hold the lamps (68) and lamp holders being

located on the opposite side of the plane of the mirror from a viewer (fig 6) viewing his reflection in the mirror and the lamp holders being angled relative to the plane of the (the holders are at an angle relative to the plane of the mirror 180 deg.) mirror such that the lamps are not visible as a reflected image in the mirror to the viewer viewing his image in the mirror while at the same time the lamps illuminate the viewers face. With regards to the lamps being located along a top edge of the mirror, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a lights located on a top side of the mirror unit since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

- With regards to the mirror comprising additional lamps along the other of the two sides, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a lights located on the other of two sides of the mirror unit since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

#### ***Allowable Subject Matter***

7. Claims 13-15 are allowed.
8. Claims 6,8,9,11,12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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9. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach: the angled side forming and angle with the plane of the mirror of about 45 degrees, the bracket further comprising a leveling adjustment structure, the station having a carrying handle and base supports, the mirror having a beveled portion, and the method of building a makeup station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800

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